

### REMARKS

Claims 1-17 are pending in the application. Applicants amend claims 1 and 17 for clarification. No new matter has been added.

The Examiner did not acknowledge the priority claim for this application and the receipt of the certified priority document (Japanese Parent Application No. 2001-102176). The Examiner also failed to accept or object to the drawings. Applicants respectfully request that the Examiner acknowledge the priority claim and receipt of the certified document, and indicate acceptance of the drawings.

Claims 1, 2, and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,421,720 to Fitzgerald ("Fitzgerald-A").

Fitzgerald-A describes a packet transmission gateway that alters a packet payload size of packetized voice data to be transmitted through a packet network based on congestion information from the packet network. (Please see, e.g., Figs. 1, 2, 5, and their corresponding description in Fitzgerald-A) For example, the packet payload size is changed to 20 bytes (small size) if the congestion information indicates no congestion (the overhead ratio: high), 40 bytes if the congestion information indicates medium congestion, or 60 bytes (large size) if the congestion information indicates high congestion (the overhead ratio: low). The packet transmission gateway device described in Fitzgerald-A does not appear to interconnect two networks. In addition, the end-to-end delay signal (11 or 25) described in Fitzgerald-A is used as a packet network congestion indicator for controlling the packet payload size only, and is not used to control voice data encoding before transmission of packets.

As such, Fitzgerald-A fails to disclose,

“[a] gateway apparatus which interconnects a first network and a second network, comprising:

an encoding processing unit receiving voice data from the first network and generating encoded voice data from the received voice data;

a packet processing unit creating packets of the encoded voice data from the encoding processing unit and transmitting the packets to the second network;

a network-state estimation unit determining network-state information of the second network; and

a determination unit controlling, before the transmission of the packets, at least the encoding of the voice data by the encoding processing unit based on the network-state information determined by the network-state estimation unit," as recited in claim 1.  
(Emphasis added)

The claimed invention provides for a gateway apparatus that interconnects a first and a second network, and that controls, before the transmission of packets, at least the encoding of voice data based on network-state information of the second network. In contrast, Fitzgerald-A does not disclose such control over voice data encoding. The reference, as cited and relied upon by the Examiner, merely describes changing packet payload size, as described above.

Accordingly, Applicants respectfully submit that claim 1, together with claim 2 dependent therefrom, is patentable over Fitzgerald-A for at least the above-stated reasons. Claim 17 includes features that correspond to those of claim 1 cited above, and is, therefore, patentable over Fitzgerald-A for at least the same reasons.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald-A in view of U.S. Patent No. 6,754,221 to Whitcher et al.; claims 4, 5, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald-A in view of U.S. Patent No. 6,760,309 to Rochberger et al.; claims 6 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald-A in view of U.S. Patent No. 6,868,094 to Bordonaro et al.; claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald-A in view of U.S. Patent No. 6,816,464 to Scott et al.; claims 13, 14, and 16 stand rejected under 35 U.S.C. §

103(a) as being unpatentable over Fitzgerald-A in view of U.S. Patent No. 6,466,548 to Fitzgerald ("Fitzgerald-B"); claims 7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald-A in view of Bordonaro et al. and further in view of Scott et al.; claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald-A in view of Bordonaro et al. and further in view of Rochberger et al.; and claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald-A in view of Fitzgerald-B and further in view of Bordonaro et al.

The Examiner cited the additional references to specifically address the additional features recited in the rejected dependent claims. As such, the combination of these references would still fail to teach or suggest the above-cited features of claim 1, even assuming such combination would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claims 3-16, which depend from claim 1, are patentable over the cited references for at least the above-stated reasons with respect to base claim 1.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicants appreciate the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider

this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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Dexter T. Chang  
Reg. No. 44,071

CUSTOMER NUMBER 026304  
Telephone: (212) 940-6384  
Fax: (212) 940-8986 or 8987  
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